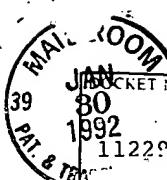


07/82/966



JAN 30 1992 1122990199	ANTICIPATED CLASSIFICATION OF THIS APPLICATION: CLASS 435	SUBCLASS	PRIOR APPLICATION: EXAMINER Chereskin	ART UNIT 184
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Address to:

Commissioner of Patents and Trademarks
Box FWC
Washington, D.C. 20231

This is a Request for filing a continuation-in-part continuation divisional application under 37 CFR 1.62 of prior application Serial No. 07/390,561, filed on Aug 7, 1989 entitled Improved Expression of Genes in Plants

by the following named inventor(s).

FULL NAME OF INVENTOR	FAMILY NAME <u>Barton</u>	FIRST GIVEN NAME <u>Kenneth</u>	SECOND GIVEN NAME <u>A.</u>
RESIDENCE & CITIZENSHIP	CITY <u>Middleton</u>	STATE OR FOREIGN COUNTRY <u>Wisconsin WI</u>	COUNTRY OF CITIZENSHIP <u>U.S.A.</u>
POST OFFICE ADDRESS	POST OFFICE ADDRESS <u>4919 Hickory Trail</u>	CITY <u>Middleton</u>	STATE & ZIP CODE/COUNTRY <u>WI 53562 USA</u>
FULL NAME OF INVENTOR	FAMILY NAME <u>Miller</u>	FIRST GIVEN NAME <u>Michael</u>	SECOND GIVEN NAME <u>J.</u>
RESIDENCE & CITIZENSHIP	CITY <u>Cross Plains</u>	STATE OR FOREIGN COUNTRY <u>Wisconsin WI</u>	COUNTRY OF CITIZENSHIP <u>U.S.A.</u>
POST OFFICE ADDRESS	POST OFFICE ADDRESS <u>1401 Main Street</u>	CITY <u>Cross Plains</u>	STATE & ZIP CODE/COUNTRY <u>WI 53528 USA</u>
FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY

The above identified prior application in which no payment in the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application. (note: 37 CFR 1.60 may be used for applications where the prior application is not to be abandoned.)

- Enter the amendment previously filed on _____ under 37 CFR 1.116 but unentered, in the prior application.

- A preliminary amendment is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS	14 -20 =		× \$ 20.00 =	\$
	INDEPENDENT CLAIMS	4 -3 =	1	× \$ 60.00 =	72.00
	MULTIPLE DEPENDENT CLAIM(s) (if applicable)				
				+ \$200.00 =	
				BASIC FEE	+ \$60.00 = 90.00
				Total of above Calculations =	\$762.00
	Reduction by ½ for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28). If applicable, verified statement must be attached.				
				TOTAL =	\$762.00

3. The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account No. 17-0055

4. A check in the amount of \$_____ is enclosed.

5. A new oath or declaration is included since this application is a continuation-in-part which discloses and claims additional matter.

6. Amend the specification by inserting before the first line the sentence:

C
This application is a continuation-in-part, continuation, division, of application Serial No. 07/390,561, filed Aug 7, 1989.

7. (a) A verified statement that this is a filing by a small entity is attached.

(b) The small entity statement was filed in the parent application Serial No. _____ on _____ and this status is still proper and its benefit under 37 CFR 1.28(a) is hereby claimed.

8. Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.

9. The prior application is assigned of record to Agracetus

10. The power of attorney in the prior application is to: the undersigned

11. Also enclosed

Address all future communications to: (May only be completed by applicant, or attorney or agent of record)

601 Nicholas J. Seay
602 Quarles & Brady
201 P.O. Box 2113
70 Madison, WI 53701-2113

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

January 30, 1992

Date

Nicholas J. Seay
Reg. No. 27,386

Signature

inventor(s)
 assignee of complete interest
 attorney or agent of record
 filed under §1.34(a)

patent 259 3.TheComm

2B



Quarles & Brady

First Wisconsin Plaza
P.O. Box 2113
Madison, Wisconsin 53701-2113
608/251-5000
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Attorneys at Law in
Milwaukee and Madison, Wisconsin
West Palm Beach, Naples and
Fort Lauderdale, Florida
Phoenix, Arizona

January 30, 1992

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Continuation
Re: Filing/New Patent Application

Dear Sir:

Enclosed for filing please find a ^{continuation} /~~new~~ patent application
entitled Improved Expression of Genes in Plants

by Kenneth A. Barton and Michael J. Miller

The undersigned hereby certifies that this document is being deposited with the United States Postal Service today,
January 30, 1992, by the "Express Mail" service,
utilizing Express Mail label number GB500083254US, addressed
to: Commissioner of Patents and Trademarks, Washington, D.C.
20231.

Please indicate receipt of this application by returning the attached postcard with the official Patent and Trademark Office receipt and serial number stamped thereon.

Respectfully submitted,

Nancy M. Keil

NJSmisc\8

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